

REMARKS

Applicant thanks Examiner Miller for the courtesy extended on the telephone interview on April 8, 2011. Applicant submits that the following amendment and remarks are consistent with the interview.

Applicant has amended independent claims 20 and 29 for clarification purposes only. Applicant merely amends dependent claims 25, 26, 30, 33, 35 and 38 for purposes of antecedent basis to be consistent with the clarifying amendment made to claims 20 and 29. Applicant submits that no new matter has been added. Support for the claim amendments is found in the specification and figures including, for example, page 8, lines 15-16 and Figures 1 and 3 which clearly identify a first flue duct as 1 and second flue duct as 2. Applicant notes that no new search is required as the amendment is merely a clarifying amendment necessitated by arguments made in the Final Office Action for the reasons set forth below.

On page 2 of the Office Action, claims 20-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith Jr., U.S. Patent No. 2,812,254 ("Smith"). Applicant reiterates its prior remarks in its previously filed response of December 2, 2010. Additionally, Applicant emphasizes that Smith discloses an apparatus for continuously cooking potato chips as opposed to an arrangement for reducing the draft effect of a flue duct upon an upstream exhaust gas cleaning system. The Examiner merely relies upon Smith's reference to "a hood having an outlet flue 106" for the purpose of "collecting and carrying off the fumes of the hot oil". There are no fumes generated by any hot oil in the present invention. Applicant further submits that it is clear that Smith does not disclose a downwardly open first flue duct, having a second flue duct disposed thereon for connection to an upstream exhaust gas cleaning system. As described in pages 5 and 6 in the present specification, "This open system provides for a reliable interruption

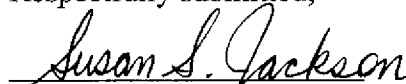
of the chimney draft during inspection, since the flue duct is exposed to such an extent that the chimney draft can be conveyed through the free opening between the vat, or the plate assembly that can be raised and lowered, and the flue duct, and the chimney draft be reduced at the exhaust gas cleaning unit.” As further explained on page 11 of the present specification, “In the open position of Fig. 3, the flue duct is entirely exposed. The chimney draft is conveyed via the exposed opening, and the chimney draft that is present at the exhaust gas cleaning unit is reduced, so that the channel that is open over the exhaust gas cleaning unit remains uninfluenced by the chimney draft.” In the Examiner’s response to arguments, it is stated that the “flue 106 [of Smith] is capable of being attached to an exhaust gas cleaning system”. In view of the above, Applicant respectfully disagrees as Smith does not have a second flue disposed on flue 106 for connection or attachment to an upstream exhaust gas cleaning system.

In addition to the structural differences between the present invention and Smith, Applicant disagrees with the statement on page 4 of the Final Office Action that “the draft is change[d] by the oil level in the vat of oil. The more oil that is present the more fumes are being exhaust and the larger the draft, as the oil level is dropped the draft is dropped.” Applicant submits that Smith does not create a draft effect as Smith is not drawing in air. Applicant believes that the Examiner is mistakenly interpreting a change in oil level in Smith with a draft effect. In the present invention, a draft is created, for example, by the warmer air in the flue duct system as compared to the outside air. Even when a power plant is shut down, the air inside of a structure will be warmer than outside of the structure. This draft creates a pulling force which continuously draws more air through flue duct 2 and up flue duct 1. By opening the discharge plate this force now pulls the air from the now open end of flue duct 1, up flue duct 1, and out the top of the flue duct 1, thereby relieving flue duct 2 of the draft effect. For these reasons and the

reasons previously submitted, Applicant contends that Smith does not disclose the claimed invention. Applicant submits that the present amendment was necessitated by the comments in the Final Office Action and that the amendment places the application in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,



Susan S. Jackson
Registration No. 41,302
K&L Gates LLP
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, NC 28202
(704) 331-7410